



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3095

Introduced 2/19/2016, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

235 ILCS 5/1-3.15
235 ILCS 5/5-1

from Ch. 43, par. 95.15
from Ch. 43, par. 115

Amends the Liquor Control Act of 1934. Provides that no importing distributor's licenses may be issued on or after the effective date of the amendatory Act. Provides that an importing distributor's license that is valid on the effective date of the amendatory Act shall remain valid until that license expires. Changes the definition of "distributor" to include any person other than a non-resident dealer licensed under the Act who imports into this State, from any point in the United States outside this State, whether for himself or herself or for another, any alcoholic liquors for sale or resale, or for use in the manufacture, preparation, or compounding of products other than alcoholic liquors, or who imports into this State, from any point in the United States outside this State, for consumption in any one calendar year, more than one gallon of such liquors. Provides that a distributor's license also allows the importation of alcoholic liquor by the licensee into this State from any point in the United States outside this State and the purchase of alcoholic liquor in barrels, casks, or other bulk containers and the bottling of such alcoholic liquors before resale thereof, but all bottles or containers so filled shall be sealed, labeled, stamped, and otherwise made to comply with all provisions and rules governing manufacturers in the preparation and bottling of alcoholic liquors. Effective immediately.

LRB099 20651 RPS 45255 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning liquor.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 1-3.15 and 5-1 as follows:

6 (235 ILCS 5/1-3.15) (from Ch. 43, par. 95.15)

7 Sec. 1-3.15. "Distributor" means any person, other than a
8 manufacturer or non-resident dealer licensed under this Act,
9 who is engaged in this State in purchasing, storing, possessing
10 or warehousing any alcoholic liquors for resale or reselling at
11 wholesale, whether within or without this State, or any person
12 other than a non-resident dealer licensed under this Act who
13 imports into this State, from any point in the United States
14 outside this State, whether for himself or herself or for
15 another, any alcoholic liquors for sale or resale, or for use
16 in the manufacture, preparation, or compounding of products
17 other than alcoholic liquors, or who imports into this State,
18 from any point in the United States outside this State, for
19 consumption in any one calendar year, more than one gallon of
20 such liquors.

21 (Source: P.A. 83-1254.)

22 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

1 Sec. 5-1. Licenses issued by the Illinois Liquor Control
2 Commission shall be of the following classes:

3 (a) Manufacturer's license - Class 1. Distiller, Class 2.
4 Rectifier, Class 3. Brewer, Class 4. First Class Wine
5 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
6 First Class Winemaker, Class 7. Second Class Winemaker, Class
7 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class
8 10. Class 1 Brewer, Class 11. Class 2 Brewer,

9 (b) Distributor's license,

10 (c) Importing Distributor's license,

11 (d) Retailer's license,

12 (e) Special Event Retailer's license (not-for-profit),

13 (f) Railroad license,

14 (g) Boat license,

15 (h) Non-Beverage User's license,

16 (i) Wine-maker's premises license,

17 (j) Airplane license,

18 (k) Foreign importer's license,

19 (l) Broker's license,

20 (m) Non-resident dealer's license,

21 (n) Brew Pub license,

22 (o) Auction liquor license,

23 (p) Caterer retailer license,

24 (q) Special use permit license,

25 (r) Winery shipper's license.

26 No person, firm, partnership, corporation, or other legal

1 business entity that is engaged in the manufacturing of wine
2 may concurrently obtain and hold a wine-maker's license and a
3 wine manufacturer's license.

4 (a) A manufacturer's license shall allow the manufacture,
5 importation in bulk, storage, distribution and sale of
6 alcoholic liquor to persons without the State, as may be
7 permitted by law and to licensees in this State as follows:

8 Class 1. A Distiller may make sales and deliveries of
9 alcoholic liquor to distillers, rectifiers, importing
10 distributors, distributors and non-beverage users and to no
11 other licensees.

12 Class 2. A Rectifier, who is not a distiller, as defined
13 herein, may make sales and deliveries of alcoholic liquor to
14 rectifiers, importing distributors, distributors, retailers
15 and non-beverage users and to no other licensees.

16 Class 3. A Brewer may make sales and deliveries of beer to
17 importing distributors and distributors and may make sales as
18 authorized under subsection (e) of Section 6-4 of this Act.

19 Class 4. A first class wine-manufacturer may make sales and
20 deliveries of up to 50,000 gallons of wine to manufacturers,
21 importing distributors and distributors, and to no other
22 licensees.

23 Class 5. A second class Wine manufacturer may make sales
24 and deliveries of more than 50,000 gallons of wine to
25 manufacturers, importing distributors and distributors and to
26 no other licensees.

1 Class 6. A first-class wine-maker's license shall allow the
2 manufacture of up to 50,000 gallons of wine per year, and the
3 storage and sale of such wine to distributors in the State and
4 to persons without the State, as may be permitted by law. A
5 person who, prior to June 1, 2008 (the effective date of Public
6 Act 95-634) ~~this amendatory Act of the 95th General Assembly,~~
7 is a holder of a first-class wine-maker's license and annually
8 produces more than 25,000 gallons of its own wine and who
9 distributes its wine to licensed retailers shall cease this
10 practice on or before July 1, 2008 in compliance with Public
11 Act 95-634 ~~this amendatory Act of the 95th General Assembly.~~

12 Class 7. A second-class wine-maker's license shall allow
13 the manufacture of between 50,000 and 150,000 gallons of wine
14 per year, and the storage and sale of such wine to distributors
15 in this State and to persons without the State, as may be
16 permitted by law. A person who, prior to June 1, 2008 (the
17 effective date of Public Act 95-634) ~~this amendatory Act of the~~
18 ~~95th General Assembly,~~ is a holder of a second-class
19 wine-maker's license and annually produces more than 25,000
20 gallons of its own wine and who distributes its wine to
21 licensed retailers shall cease this practice on or before July
22 1, 2008 in compliance with Public Act 95-634 ~~this amendatory~~
23 ~~Act of the 95th General Assembly.~~

24 Class 8. A limited wine-manufacturer may make sales and
25 deliveries not to exceed 40,000 gallons of wine per year to
26 distributors, and to non-licensees in accordance with the

1 provisions of this Act.

2 Class 9. A craft distiller license shall allow the
3 manufacture of up to 30,000 gallons of spirits by distillation
4 for one year after March 1, 2013 (the effective date of Public
5 Act 97-1166) ~~this amendatory Act of the 97th General Assembly~~
6 and up to 35,000 gallons of spirits by distillation per year
7 thereafter and the storage of such spirits. If a craft
8 distiller licensee is not affiliated with any other
9 manufacturer, then the craft distiller licensee may sell such
10 spirits to distributors in this State and up to 2,500 gallons
11 of such spirits to non-licensees to the extent permitted by any
12 exemption approved by the Commission pursuant to Section 6-4 of
13 this Act.

14 Any craft distiller licensed under this Act who on July 28,
15 2010 (the effective date of Public Act 96-1367) ~~this amendatory~~
16 ~~Act of the 96th General Assembly~~ was licensed as a distiller
17 and manufactured no more spirits than permitted by this Section
18 shall not be required to pay the initial licensing fee.

19 Class 10. A class 1 brewer license, which may only be
20 issued to a licensed brewer or licensed non-resident dealer,
21 shall allow the manufacture of up to 930,000 gallons of beer
22 per year provided that the class 1 brewer licensee does not
23 manufacture more than a combined 930,000 gallons of beer per
24 year and is not a member of or affiliated with, directly or
25 indirectly, a manufacturer that produces more than 930,000
26 gallons of beer per year or any other alcoholic liquor. A class

1 1 brewer licensee may make sales and deliveries to importing
2 distributors and distributors and to retail licensees in
3 accordance with the conditions set forth in paragraph (18) of
4 subsection (a) of Section 3-12 of this Act.

5 Class 11. A class 2 brewer license, which may only be
6 issued to a licensed brewer or licensed non-resident dealer,
7 shall allow the manufacture of up to 3,720,000 gallons of beer
8 per year provided that the class 2 brewer licensee does not
9 manufacture more than a combined 3,720,000 gallons of beer per
10 year and is not a member of or affiliated with, directly or
11 indirectly, a manufacturer that produces more than 3,720,000
12 gallons of beer per year or any other alcoholic liquor. A class
13 2 brewer licensee may make sales and deliveries to importing
14 distributors and distributors, but shall not make sales or
15 deliveries to any other licensee. If the State Commission
16 provides prior approval, a class 2 brewer licensee may annually
17 transfer up to 3,720,000 gallons of beer manufactured by that
18 class 2 brewer licensee to the premises of a licensed class 2
19 brewer wholly owned and operated by the same licensee.

20 (a-1) A manufacturer which is licensed in this State to
21 make sales or deliveries of alcoholic liquor to licensed
22 distributors or importing distributors and which enlists
23 agents, representatives, or individuals acting on its behalf
24 who contact licensed retailers on a regular and continual basis
25 in this State must register those agents, representatives, or
26 persons acting on its behalf with the State Commission.

1 Registration of agents, representatives, or persons acting
2 on behalf of a manufacturer is fulfilled by submitting a form
3 to the Commission. The form shall be developed by the
4 Commission and shall include the name and address of the
5 applicant, the name and address of the manufacturer he or she
6 represents, the territory or areas assigned to sell to or
7 discuss pricing terms of alcoholic liquor, and any other
8 questions deemed appropriate and necessary. All statements in
9 the forms required to be made by law or by rule shall be deemed
10 material, and any person who knowingly misstates any material
11 fact under oath in an application is guilty of a Class B
12 misdemeanor. Fraud, misrepresentation, false statements,
13 misleading statements, evasions, or suppression of material
14 facts in the securing of a registration are grounds for
15 suspension or revocation of the registration. The State
16 Commission shall post a list of registered agents on the
17 Commission's website.

18 (b) A distributor's license shall allow the wholesale
19 purchase and storage of alcoholic liquors and sale of alcoholic
20 liquors to licensees in this State and to persons without the
21 State, as may be permitted by law. In addition, a distributor's
22 license shall allow the importation of alcoholic liquor by the
23 licensee into this State from any point in the United States
24 outside this State and the purchase of alcoholic liquor in
25 barrels, casks, or other bulk containers and the bottling of
26 such alcoholic liquors before resale thereof, but all bottles

1 or containers so filled shall be sealed, labeled, stamped, and
2 otherwise made to comply with all provisions, rules, and
3 regulations governing manufacturers in the preparation and
4 bottling of alcoholic liquors.

5 (c) An importing distributor's license may be issued to and
6 held by those only who are duly licensed distributors, upon the
7 filing of an application by a duly licensed distributor, with
8 the Commission and the Commission shall, without the payment of
9 any fee, immediately issue such importing distributor's
10 license to the applicant, which shall allow the importation of
11 alcoholic liquor by the licensee into this State from any point
12 in the United States outside this State, and the purchase of
13 alcoholic liquor in barrels, casks or other bulk containers and
14 the bottling of such alcoholic liquors before resale thereof,
15 but all bottles or containers so filled shall be sealed,
16 labeled, stamped and otherwise made to comply with all
17 provisions, rules and regulations governing manufacturers in
18 the preparation and bottling of alcoholic liquors. The
19 importing distributor's license shall permit such licensee to
20 purchase alcoholic liquor from Illinois licensed non-resident
21 dealers and foreign importers only.

22 No importing distributor's license may be issued on or
23 after the effective date of this amendatory Act of the 99th
24 General Assembly. An importing distributor's license that is
25 valid on the effective date of this amendatory Act of the 99th
26 General Assembly shall remain valid until that license expires.

1 (d) A retailer's license shall allow the licensee to sell
2 and offer for sale at retail, only in the premises specified in
3 the license, alcoholic liquor for use or consumption, but not
4 for resale in any form. Nothing in Public Act 95-634 ~~this~~
5 ~~amendatory Act of the 95th General Assembly~~ shall deny, limit,
6 remove, or restrict the ability of a holder of a retailer's
7 license to transfer, deliver, or ship alcoholic liquor to the
8 purchaser for use or consumption subject to any applicable
9 local law or ordinance. Any retail license issued to a
10 manufacturer shall only permit the manufacturer to sell beer at
11 retail on the premises actually occupied by the manufacturer.
12 For the purpose of further describing the type of business
13 conducted at a retail licensed premises, a retailer's licensee
14 may be designated by the State Commission as (i) an on premise
15 consumption retailer, (ii) an off premise sale retailer, or
16 (iii) a combined on premise consumption and off premise sale
17 retailer.

18 Notwithstanding any other provision of this subsection
19 (d), a retail licensee may sell alcoholic liquors to a special
20 event retailer licensee for resale to the extent permitted
21 under subsection (e).

22 (e) A special event retailer's license (not-for-profit)
23 shall permit the licensee to purchase alcoholic liquors from an
24 Illinois licensed distributor (unless the licensee purchases
25 less than \$500 of alcoholic liquors for the special event, in
26 which case the licensee may purchase the alcoholic liquors from

1 a licensed retailer) and shall allow the licensee to sell and
2 offer for sale, at retail, alcoholic liquors for use or
3 consumption, but not for resale in any form and only at the
4 location and on the specific dates designated for the special
5 event in the license. An applicant for a special event retailer
6 license must (i) furnish with the application: (A) a resale
7 number issued under Section 2c of the Retailers' Occupation Tax
8 Act or evidence that the applicant is registered under Section
9 2a of the Retailers' Occupation Tax Act, (B) a current, valid
10 exemption identification number issued under Section 1g of the
11 Retailers' Occupation Tax Act, and a certification to the
12 Commission that the purchase of alcoholic liquors will be a
13 tax-exempt purchase, or (C) a statement that the applicant is
14 not registered under Section 2a of the Retailers' Occupation
15 Tax Act, does not hold a resale number under Section 2c of the
16 Retailers' Occupation Tax Act, and does not hold an exemption
17 number under Section 1g of the Retailers' Occupation Tax Act,
18 in which event the Commission shall set forth on the special
19 event retailer's license a statement to that effect; (ii)
20 submit with the application proof satisfactory to the State
21 Commission that the applicant will provide dram shop liability
22 insurance in the maximum limits; and (iii) show proof
23 satisfactory to the State Commission that the applicant has
24 obtained local authority approval.

25 (f) A railroad license shall permit the licensee to import
26 alcoholic liquors into this State from any point in the United

1 States outside this State and to store such alcoholic liquors
2 in this State; to make wholesale purchases of alcoholic liquors
3 directly from manufacturers, foreign importers, distributors
4 and importing distributors from within or outside this State;
5 and to store such alcoholic liquors in this State; provided
6 that the above powers may be exercised only in connection with
7 the importation, purchase or storage of alcoholic liquors to be
8 sold or dispensed on a club, buffet, lounge or dining car
9 operated on an electric, gas or steam railway in this State;
10 and provided further, that railroad licensees exercising the
11 above powers shall be subject to all provisions of Article VIII
12 of this Act as applied to importing distributors. A railroad
13 license shall also permit the licensee to sell or dispense
14 alcoholic liquors on any club, buffet, lounge or dining car
15 operated on an electric, gas or steam railway regularly
16 operated by a common carrier in this State, but shall not
17 permit the sale for resale of any alcoholic liquors to any
18 licensee within this State. A license shall be obtained for
19 each car in which such sales are made.

20 (g) A boat license shall allow the sale of alcoholic liquor
21 in individual drinks, on any passenger boat regularly operated
22 as a common carrier on navigable waters in this State or on any
23 riverboat operated under the Riverboat Gambling Act, which boat
24 or riverboat maintains a public dining room or restaurant
25 thereon.

26 (h) A non-beverage user's license shall allow the licensee

1 to purchase alcoholic liquor from a licensed manufacturer or
 2 importing distributor, without the imposition of any tax upon
 3 the business of such licensed manufacturer or importing
 4 distributor as to such alcoholic liquor to be used by such
 5 licensee solely for the non-beverage purposes set forth in
 6 subsection (a) of Section 8-1 of this Act, and such licenses
 7 shall be divided and classified and shall permit the purchase,
 8 possession and use of limited and stated quantities of
 9 alcoholic liquor as follows:

- 10 Class 1, not to exceed 500 gallons
- 11 Class 2, not to exceed 1,000 gallons
- 12 Class 3, not to exceed 5,000 gallons
- 13 Class 4, not to exceed 10,000 gallons
- 14 Class 5, not to exceed 50,000 gallons

15 (i) A wine-maker's premises license shall allow a licensee
 16 that concurrently holds a first-class wine-maker's license to
 17 sell and offer for sale at retail in the premises specified in
 18 such license not more than 50,000 gallons of the first-class
 19 wine-maker's wine that is made at the first-class wine-maker's
 20 licensed premises per year for use or consumption, but not for
 21 resale in any form. A wine-maker's premises license shall allow
 22 a licensee who concurrently holds a second-class wine-maker's
 23 license to sell and offer for sale at retail in the premises
 24 specified in such license up to 100,000 gallons of the
 25 second-class wine-maker's wine that is made at the second-class
 26 wine-maker's licensed premises per year for use or consumption

1 but not for resale in any form. A wine-maker's premises license
2 shall allow a licensee that concurrently holds a first-class
3 wine-maker's license or a second-class wine-maker's license to
4 sell and offer for sale at retail at the premises specified in
5 the wine-maker's premises license, for use or consumption but
6 not for resale in any form, any beer, wine, and spirits
7 purchased from a licensed distributor. Upon approval from the
8 State Commission, a wine-maker's premises license shall allow
9 the licensee to sell and offer for sale at (i) the wine-maker's
10 licensed premises and (ii) at up to 2 additional locations for
11 use and consumption and not for resale. Each location shall
12 require additional licensing per location as specified in
13 Section 5-3 of this Act. A wine-maker's premises licensee shall
14 secure liquor liability insurance coverage in an amount at
15 least equal to the maximum liability amounts set forth in
16 subsection (a) of Section 6-21 of this Act.

17 (j) An airplane license shall permit the licensee to import
18 alcoholic liquors into this State from any point in the United
19 States outside this State and to store such alcoholic liquors
20 in this State; to make wholesale purchases of alcoholic liquors
21 directly from manufacturers, foreign importers, distributors
22 and importing distributors from within or outside this State;
23 and to store such alcoholic liquors in this State; provided
24 that the above powers may be exercised only in connection with
25 the importation, purchase or storage of alcoholic liquors to be
26 sold or dispensed on an airplane; and provided further, that

1 airplane licensees exercising the above powers shall be subject
2 to all provisions of Article VIII of this Act as applied to
3 importing distributors. An airplane licensee shall also permit
4 the sale or dispensing of alcoholic liquors on any passenger
5 airplane regularly operated by a common carrier in this State,
6 but shall not permit the sale for resale of any alcoholic
7 liquors to any licensee within this State. A single airplane
8 license shall be required of an airline company if liquor
9 service is provided on board aircraft in this State. The annual
10 fee for such license shall be as determined in Section 5-3.

11 (k) A foreign importer's license shall permit such licensee
12 to purchase alcoholic liquor from Illinois licensed
13 non-resident dealers only, and to import alcoholic liquor other
14 than in bulk from any point outside the United States and to
15 sell such alcoholic liquor to Illinois licensed importing
16 distributors and to no one else in Illinois; provided that (i)
17 the foreign importer registers with the State Commission every
18 brand of alcoholic liquor that it proposes to sell to Illinois
19 licensees during the license period, (ii) the foreign importer
20 complies with all of the provisions of Section 6-9 of this Act
21 with respect to registration of such Illinois licensees as may
22 be granted the right to sell such brands at wholesale, and
23 (iii) the foreign importer complies with the provisions of
24 Sections 6-5 and 6-6 of this Act to the same extent that these
25 provisions apply to manufacturers.

26 (l) (i) A broker's license shall be required of all persons

1 who solicit orders for, offer to sell or offer to supply
2 alcoholic liquor to retailers in the State of Illinois, or who
3 offer to retailers to ship or cause to be shipped or to make
4 contact with distillers, rectifiers, brewers or manufacturers
5 or any other party within or without the State of Illinois in
6 order that alcoholic liquors be shipped to a distributor,
7 importing distributor or foreign importer, whether such
8 solicitation or offer is consummated within or without the
9 State of Illinois.

10 No holder of a retailer's license issued by the Illinois
11 Liquor Control Commission shall purchase or receive any
12 alcoholic liquor, the order for which was solicited or offered
13 for sale to such retailer by a broker unless the broker is the
14 holder of a valid broker's license.

15 The broker shall, upon the acceptance by a retailer of the
16 broker's solicitation of an order or offer to sell or supply or
17 deliver or have delivered alcoholic liquors, promptly forward
18 to the Illinois Liquor Control Commission a notification of
19 said transaction in such form as the Commission may by
20 regulations prescribe.

21 (ii) A broker's license shall be required of a person
22 within this State, other than a retail licensee, who, for a fee
23 or commission, promotes, solicits, or accepts orders for
24 alcoholic liquor, for use or consumption and not for resale, to
25 be shipped from this State and delivered to residents outside
26 of this State by an express company, common carrier, or

1 contract carrier. This Section does not apply to any person who
2 promotes, solicits, or accepts orders for wine as specifically
3 authorized in Section 6-29 of this Act.

4 A broker's license under this subsection (1) shall not
5 entitle the holder to buy or sell any alcoholic liquors for his
6 own account or to take or deliver title to such alcoholic
7 liquors.

8 This subsection (1) shall not apply to distributors,
9 employees of distributors, or employees of a manufacturer who
10 has registered the trademark, brand or name of the alcoholic
11 liquor pursuant to Section 6-9 of this Act, and who regularly
12 sells such alcoholic liquor in the State of Illinois only to
13 its registrants thereunder.

14 Any agent, representative, or person subject to
15 registration pursuant to subsection (a-1) of this Section shall
16 not be eligible to receive a broker's license.

17 (m) A non-resident dealer's license shall permit such
18 licensee to ship into and warehouse alcoholic liquor into this
19 State from any point outside of this State, and to sell such
20 alcoholic liquor to Illinois licensed foreign importers and
21 importing distributors and to no one else in this State;
22 provided that (i) said non-resident dealer shall register with
23 the Illinois Liquor Control Commission each and every brand of
24 alcoholic liquor which it proposes to sell to Illinois
25 licensees during the license period, (ii) it shall comply with
26 all of the provisions of Section 6-9 hereof with respect to

1 registration of such Illinois licensees as may be granted the
2 right to sell such brands at wholesale, and (iii) the
3 non-resident dealer shall comply with the provisions of
4 Sections 6-5 and 6-6 of this Act to the same extent that these
5 provisions apply to manufacturers.

6 (n) A brew pub license shall allow the licensee to only (i)
7 manufacture up to 155,000 gallons of beer per year only on the
8 premises specified in the license, (ii) make sales of the beer
9 manufactured on the premises or, with the approval of the
10 Commission, beer manufactured on another brew pub licensed
11 premises that is wholly owned and operated by the same licensee
12 to importing distributors, distributors, and to non-licensees
13 for use and consumption, (iii) store the beer upon the
14 premises, (iv) sell and offer for sale at retail from the
15 licensed premises for off-premises consumption no more than
16 155,000 gallons per year so long as such sales are only made
17 in-person, (v) sell and offer for sale at retail for use and
18 consumption on the premises specified in the license any form
19 of alcoholic liquor purchased from a licensed distributor or
20 importing distributor, and (vi) with the prior approval of the
21 Commission, annually transfer no more than 155,000 gallons of
22 beer manufactured on the premises to a licensed brew pub wholly
23 owned and operated by the same licensee.

24 A brew pub licensee shall not under any circumstance sell
25 or offer for sale beer manufactured by the brew pub licensee to
26 retail licensees.

1 A person who holds a class 2 brewer license may
2 simultaneously hold a brew pub license if the class 2 brewer
3 (i) does not, under any circumstance, sell or offer for sale
4 beer manufactured by the class 2 brewer to retail licensees;
5 (ii) does not hold more than 3 brew pub licenses in this State;
6 (iii) does not manufacture more than a combined 3,720,000
7 gallons of beer per year, including the beer manufactured at
8 the brew pub; and (iv) is not a member of or affiliated with,
9 directly or indirectly, a manufacturer that produces more than
10 3,720,000 gallons of beer per year or any other alcoholic
11 liquor.

12 Notwithstanding any other provision of this Act, a licensed
13 brewer, class 2 brewer, or non-resident dealer who before July
14 1, 2015 manufactured less than ~~than~~ 3,720,000 gallons of beer
15 per year and held a brew pub license on or before July 1, 2015
16 may (i) continue to qualify for and hold that brew pub license
17 for the licensed premises and (ii) manufacture more than
18 3,720,000 gallons of beer per year and continue to qualify for
19 and hold that brew pub license if that brewer, class 2 brewer,
20 or non-resident dealer does not simultaneously hold a class 1
21 brewer license and is not a member of or affiliated with,
22 directly or indirectly, a manufacturer that produces more than
23 3,720,000 gallons of beer per year or that produces any other
24 alcoholic liquor.

25 (o) A caterer retailer license shall allow the holder to
26 serve alcoholic liquors as an incidental part of a food service

1 that serves prepared meals which excludes the serving of snacks
2 as the primary meal, either on or off-site whether licensed or
3 unlicensed.

4 (p) An auction liquor license shall allow the licensee to
5 sell and offer for sale at auction wine and spirits for use or
6 consumption, or for resale by an Illinois liquor licensee in
7 accordance with provisions of this Act. An auction liquor
8 license will be issued to a person and it will permit the
9 auction liquor licensee to hold the auction anywhere in the
10 State. An auction liquor license must be obtained for each
11 auction at least 14 days in advance of the auction date.

12 (q) A special use permit license shall allow an Illinois
13 licensed retailer to transfer a portion of its alcoholic liquor
14 inventory from its retail licensed premises to the premises
15 specified in the license hereby created, and to sell or offer
16 for sale at retail, only in the premises specified in the
17 license hereby created, the transferred alcoholic liquor for
18 use or consumption, but not for resale in any form. A special
19 use permit license may be granted for the following time
20 periods: one day or less; 2 or more days to a maximum of 15 days
21 per location in any 12 month period. An applicant for the
22 special use permit license must also submit with the
23 application proof satisfactory to the State Commission that the
24 applicant will provide dram shop liability insurance to the
25 maximum limits and have local authority approval.

26 (r) A winery shipper's license shall allow a person with a

1 first-class or second-class wine manufacturer's license, a
2 first-class or second-class wine-maker's license, or a limited
3 wine manufacturer's license or who is licensed to make wine
4 under the laws of another state to ship wine made by that
5 licensee directly to a resident of this State who is 21 years
6 of age or older for that resident's personal use and not for
7 resale. Prior to receiving a winery shipper's license, an
8 applicant for the license must provide the Commission with a
9 true copy of its current license in any state in which it is
10 licensed as a manufacturer of wine. An applicant for a winery
11 shipper's license must also complete an application form that
12 provides any other information the Commission deems necessary.
13 The application form shall include an acknowledgement
14 consenting to the jurisdiction of the Commission, the Illinois
15 Department of Revenue, and the courts of this State concerning
16 the enforcement of this Act and any related laws, rules, and
17 regulations, including authorizing the Department of Revenue
18 and the Commission to conduct audits for the purpose of
19 ensuring compliance with Public Act 95-634 ~~this amendatory Act.~~

20 A winery shipper licensee must pay to the Department of
21 Revenue the State liquor gallonage tax under Section 8-1 for
22 all wine that is sold by the licensee and shipped to a person
23 in this State. For the purposes of Section 8-1, a winery
24 shipper licensee shall be taxed in the same manner as a
25 manufacturer of wine. A licensee who is not otherwise required
26 to register under the Retailers' Occupation Tax Act must

1 register under the Use Tax Act to collect and remit use tax to
2 the Department of Revenue for all gallons of wine that are sold
3 by the licensee and shipped to persons in this State. If a
4 licensee fails to remit the tax imposed under this Act in
5 accordance with the provisions of Article VIII of this Act, the
6 winery shipper's license shall be revoked in accordance with
7 the provisions of Article VII of this Act. If a licensee fails
8 to properly register and remit tax under the Use Tax Act or the
9 Retailers' Occupation Tax Act for all wine that is sold by the
10 winery shipper and shipped to persons in this State, the winery
11 shipper's license shall be revoked in accordance with the
12 provisions of Article VII of this Act.

13 A winery shipper licensee must collect, maintain, and
14 submit to the Commission on a semi-annual basis the total
15 number of cases per resident of wine shipped to residents of
16 this State. A winery shipper licensed under this subsection (r)
17 must comply with the requirements of Section 6-29 of this
18 ~~amendatory~~ Act.

19 Pursuant to paragraph (5.1) or (5.3) of subsection (a) of
20 Section 3-12, the State Commission may receive, respond to, and
21 investigate any complaint and impose any of the remedies
22 specified in paragraph (1) of subsection (a) of Section 3-12.

23 (Source: P.A. 98-394, eff. 8-16-13; 98-401, eff. 8-16-13;
24 98-756, eff. 7-16-14; 99-448, eff. 8-24-15; revised 10-27-15.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.